

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

David H. Fitzgerald)	
)	
v.)	Case No.: 13-6979
National Railroad Passenger Corporation,)	
t/d/b/a AMTRAK)	

BILL OF COSTS

Judgment having been entered in the above entitled action on 07/13/2016 against Plaintiff David Fitzgerald,
Date
the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$	
Fees for service of summons and subpoena		
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case		1,779.90
Fees and disbursements for printing		
Fees for witnesses (<i>itemize on page two</i>)		0.00
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case		1,159.20
Docket fees under 28 U.S.C. 1923		
Costs as shown on Mandate of Court of Appeals		
Compensation of court-appointed experts		
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828		
Other costs (<i>please itemize</i>)		
	TOTAL	\$ 2,939.10

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: Ali M. KlimentName of Attorney: Ali M. KlimentFor: National Railroad Passenger Corporation, t/d/b/a AMTRAK
*Name of Claiming Party*Date: 07/27/2016

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court

By: _____

Deputy Clerk

Date

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID H. FITZGERALD,

Plaintiff,

v.

**NATIONAL RAILROAD PASSENGER
CORPORATION, t/d/b/a AMTRAK,**

Defendant.

:
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:
: **NO. 13-6979**
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**DECLARATION OF ALI M. KLIMENT IN
SUPPORT OF DEFENDANT’S BILL OF COSTS**

Pursuant to 28 U.S.C. § 1746, I, Ali M. Kliment, declare as follows:

1. I am an attorney licensed to practice in the Commonwealth of Pennsylvania and admitted to practice before this Court.
2. I am associated with the law firm of Morgan, Lewis & Bockius LLP (“Morgan, Lewis”), counsel for Defendant National Railroad Passenger Corporation, t/d/b/a Amtrak (“Defendant”) in this action.
3. I submit this Declaration in support of Defendant’s Bill of Costs pursuant to Federal Rule of Civil Procedure 54(d)(1).
4. I have personal knowledge of the following facts.
5. As of July 27, 2016, Defendant has actually and necessarily incurred taxable costs in the aggregate amount of **\$2,939.10** in connection with the legal representation of Defendant in this action. A detailed breakdown of said costs is attached as Exhibit A to this Declaration. Invoices detailing said costs are attached as Exhibit B to this Declaration.

6. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 27, 2016

/s/ Ali M. Kliment
ALI M. KLIMENT

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID H. FITZGERALD,

Plaintiff,

v.

**NATIONAL RAILROAD PASSENGER
CORPORATION, t/d/b/a AMTRAK,**

Defendant.

:
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:
: **NO. 13-6979**
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**EXHIBIT A
ITEMIZATION OF COSTS RELATED TO
DEFENDANT'S REQUEST FOR TAXATION OF COSTS**

I. Fees for Transcripts Pursuant to 28. U.S.C. 1920(2)

Date	Description	Amount
11/03/2014	Deposition Transcript of Plaintiff David Fitzgerald	\$425.90
01/22/2015	Deposition Transcript of Sharon Jindal	\$97.50
01/22/2015	Deposition Transcript of Jennifer Haken-Lafty	\$139.50
03/26/2015	Deposition Transcript of Gary Lindenmuth	\$388.35
03/27/2015	Deposition Transcript of Steven Siebert	\$331.30
03/31/2015	Deposition Transcript of LaTonya Barber	\$397.35
	SUBTOTAL	\$1,779.90

II. Costs for Exemplification and Copies of Papers Pursuant to 28 U.S.C. § 1920(4)

Date	Description	Amount
	Duplication of materials necessarily obtained for use in the case (AMTRAK000001-AMTRAK005614) (5,614 pages x .10 x 2 sets)	\$1,122.80
08/31/2015	Duplication of Exhibits in Support of Motion for Summary Judgment (91 pages x .10 x 2 sets)	\$18.20
	GRAND TOTAL	\$2,939.10

EXHIBIT B



215-627-6701
The Bourse, Suite 1030
111 S. Independence Mall East
Philadelphia
www.acerreporters.com

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Robin Perry

INVOICE

Invoice No.	Invoice Date	Job No.
31420	4/9/2015	2455
Job Date	Case No.	
3/27/2015		
Case Name		
David Fitzgerald v. National Railroad Passenger Corporation		
Payment Terms		
Due upon receipt		

1 CERTIFIED COPY OF TRANSCRIPT OF:

Steven Seibert

Exhibit

Packaging and Delivery

				301.00
24.00	Pages	@	0.45	10.80
1.00		@	19.50	19.50
TOTAL DUE >>>				\$331.30

Tax ID: 81-0633558

Phone: Fax:

Please detach bottom portion and return with payment.

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Job No. : 2455 BU ID : 1-MAIN
Case No. :
Case Name : David Fitzgerald v. National Railroad Passenger Corporation
Invoice No. : 31420 Invoice Date : 4/9/2015
Total Due : \$ 331.30

Remit To: **Ace Reporters, Inc.**
111 S. Independence Mall East
The Bourse, Suite 1030
Philadelphia, PA 19106

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____



215-627-6701
The Bourse, Suite 1030
111 S. Independence Mall East
Philadelphia
www.ace-reporters.com

~~William Delany, Esquire~~
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Robin Perry

INVOICE

Invoice No.	Invoice Date	Job No.
31418	4/9/2015	2454
Job Date	Case No.	
3/26/2015		
Case Name		
David Fitzgerald v. National Railroad Passenger Corporation		
Payment Terms		
Due upon receipt		

1 CERTIFIED COPY OF TRANSCRIPT OF:

Gary Lindenmuth

Exhibit

Packaging and Delivery

				351.75
38.00	Pages	@	0.45	17.10
1.00		@	19.50	19.50
TOTAL DUE >>>				\$388.35

Tax ID: 81-0633558

Phone: Fax:

Please detach bottom portion and return with payment.

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Job No. : 2454 BU ID : 1-MAIN
Case No. :
Case Name : David Fitzgerald v. National Railroad Passenger Corporation
Invoice No. : 31418 Invoice Date : 4/9/2015
Total Due : \$ 388.35

Remit To: Ace Reporters, Inc.
111 S. Independence Mall East
The Bourse, Suite 1030
Philadelphia, PA 19106

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____

INVOICE

215-627-6700
The Bourse, Suite 1030
111 S. Independence Mall East
Philadelphia
www.ace-reporters.com

Ace Reporters, Inc.

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Robin Perry

Invoice No.	Invoice Date	Job No.
31465	4/14/2015	2456
Job Date	Case No.	
3/31/2015		
Case Name		
David Fitzgerald v. National Railroad Passenger Corporation		
Payment Terms		
Due upon receipt		

1 CERTIFIED COPY OF TRANSCRIPT OF:

LaTonya Barber

Exhibit

Packaging and Delivery

				356.25
48.00	Pages	@	0.45	21.60
1.00		@	19.50	19.50
TOTAL DUE >>>				\$397.35

Tax ID: 81-0633558

Phone: Fax:

Please detach bottom portion and return with payment.

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Job No. : 2456 BU ID : 1-MAIN
Case No. :
Case Name : David Fitzgerald v. National Railroad Passenger Corporation
Invoice No. : 31465 Invoice Date : 4/14/2015
Total Due : \$ 397.35

Remit To: Ace Reporters, Inc.
111 S. Independence Mall East
The Bourse, Suite 1030
Philadelphia, PA 19106

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone #: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____



Esquire Corporate Solutions
2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303



Remit to:

Esquire Deposition Solutions, LLC
P. O. Box 846099
Dallas, TX 75284-4099
www.esquiresolutions.com

Tax Number: 45-3463120
Toll Free (888) 480-4044
Fax (856) 437-5000

Invoice # CSD214887

Invoice Date	11/19/2014
Terms	NET 30
Payment Due	12/19/2014
Date of Loss	
Name of Insured	AMTRAK/MORGAN
Adjuster	NA
Claim Number	2014-00304

CALIN HEILIG, ESQ
MORGAN, LEWIS & BOCKIUS, LLP - PHILADELPHIA
ATTN: ACCOUNTS PAYABLE
P.O. BOX 91330
PASADENA, CA 91109

Assignment	Case	Assignment #	Shipped	Shipped Via
11/03/2014	FITZGERALD DAVID VS. NATIONAL RAILROAD CO	228925	11/19/2014	FED EX

Description	Price	Amount
Services Provided on 11/03/2014, DAVID FITZGERALD (PHILADELPHIA, PA)		
ORIGINAL & ONE COPY OF TRANSCRIPT/WORD INDEX (137 Pages)	\$ 2.70	\$ 369.90
EXHIBITS	\$ 31.00	\$ 31.00
ASCII DISK	\$ 0.00	\$ 0.00
E-TRANSCRIPT	\$ 0.00	\$ 0.00
CONDENSED TRANSCRIPT	\$ 0.00	\$ 0.00
		\$ 400.90
CSD-SHIPING		\$ 25.00
		\$ 25.00
MATTER NUMBER: 11100.0266		
	Tax:	\$ 0.00
	Paid:	\$ 0.00
	Amount Due On/Before 01/03/2015	\$ 425.90
	Amount Due After 01/03/2015	\$ 468.49

Tax Number: 45-3463120

Please detach and return this bottom portion with your payment

or pay online at www.esquireconnect.com



Invoice #:

CSD214887

Payment Due:

12/19/2014

Amount Due On/Before 01/03/2015

\$ 425.90

Amount Due After 01/03/2015

\$ 468.49

CALIN HEILIG, ESQ
MORGAN, LEWIS & BOCKIUS, LLP - PHILADELPHIA
ATTN: ACCOUNTS PAYABLE
P.O. BOX 91330
PASADENA, CA 91109

Remit to:

Esquire Deposition Solutions, LLC
P. O. Box 846099
Dallas, TX 75284-4099
www.esquiresolutions.com

Thank you for your business!

199 0000214887 11192014 4 000042590 4 12192014 01032015 4 000046849 44

INVOICE

brusilow+associates

255 S. 17th Street, Suite 1503

Philadelphia, PA 19103

P 215.772.1717

F 877.763.4000

Requester - Annette Leporetti

Amount \$237.00

brusilow+associates

Client/Matter # 018180-01-0266

CARLIN HEILIG, ESQUIRE

MORGAN LEWIS & BOCKIUS

1701 MARKET STREET

PHILADELPHIA, PA 19103

February 15, 2015

Invoice# 01221532

Balance: \$237.00

Re: David Fitzgerald v. Astrak

Jennifer Haky and Sharon Jindal

on 01/22/15 Filed 02/15/15

Charge Description

Amount

ORAL DEPOSITION OF JENNIFER HAKY - 14 PAGES

132.00

ORAL DEPOSITION OF SHARON JINDAL - 30 PAGES

90.00

ONE COPY

EXHIBITS ATTACHED

HANDLING AND DELIVERY

15.00

Please Remit - - - > Total Due:

\$237.00

Please tear off stub and return with payment.

TAX ID # 232711104

brusilow+associates

Invoice# 01221532

www.brusilow.com

Balance\$ 237.00

CERTIFICATE OF SERVICE

I, Ali M. Kliment, hereby certify that a true and correct copy of the foregoing Defendant's Bill of Costs, Declaration of Ali M. Kliment in Support of Defendant's Bill of Costs, and Exhibits A and B were filed electronically and are available for viewing and downloading from the ECF system of the U.S. District Court for the Eastern District of Pennsylvania, and that I served the same via electronic filing on July 27, 2016 upon the following:

Robert Vance Jr.
Law Offices of Robert Vance Jr.
100 South Broad Street, Suite 910
Philadelphia, PA 19110
Tel. 215 557-9350
Fax. 215 278-7992
Email: rvance@vancelf.com

Attorney for Plaintiff David H. Fitzgerald

/s/ Ali M. Kliment _____
ALI M. KLIMENT